

FEDERAL DEFENDER SERVICES
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May 3, 2021

Honorable Stephen L. Crocker
United States Magistrate Judge
120 North Henry Street
Madison, Wisconsin 53703

Re: *United States v. Steven Robeson*
Case No. 21-cr-24-wmc

Dear Judge Crocker:

In anticipation of tomorrow's hearing, the defense submits the following letter on where things stand in this case.

First, the defense will not file any pretrial motions. I have discussed this with Mr. Robeson and he concurs.

Second, the defense (if this does go to trial) will raise the public authority or estoppel defense. They are interrelated, and it's too soon to know precisely where this case fits. I have spoken to AUSA Elizabeth Altman and she agreed to allow me to file the Rule 12.3 notice tomorrow.

Third, in anticipation of raising that defense at trial this is where things stand. Mr. Robeson possessed the firearm charged in the indictment on September 26. On that day, he had authorization from the FBI to otherwise engage in illegal conduct. The parties dispute how the form must be read and whether any behavior beyond its parameters nullify it—that's for another day. The parties have, however, discussed the discovery that would speak to Robeson's understanding and pattern of dealing with the FBI and the authorizations to engage in illegal conduct. The government is currently gathering that

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Honorable Stephen L. Crocker
May 3, 2021
Page -2-

discovery. There could be a lot of discovery (upwards of 100,000 pages) or it could be a manageable amount – no one knows yet.

Understanding what could be coming down the pipeline the parties would like to set a trial date. Mr. Robeson, in particular, would like to put this past him. If the discovery comes and it's unmanageable, the parties would quickly ask to strike that date and set a status. If it is manageable, we will proceed with trial on the date set. But it's best (in the parties' view) to not look for trouble. Set a date and worry about the volume of discovery when we get it.

Fourth, the defense does intend to file a motion to dissolve the protective order but other matters in the federal defender's office have monopolized my time. I will try to file that brief in two weeks.

Thank you for your attention to this matter.

Sincerely,

/s/ Joseph A. Bugni

Joseph A. Bugni
Associate Federal Defender